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# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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INTELLECTUAL PROPERTY LAW

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## FACSIMILE TRANSMITTAL SHEET

Deliver to: Examiner Alexander Gilman

Firm Name: U.S. PATENT AND TRADEMARK OFFICE Art Unit 2833

Fax Number: (703) 872-9319 Telephone No.: (703) 305 0847

From: William Thomas Rabbitt Reg. No.: 39,591

Date: January 25, 2002 Time: 10:33 am

BSTZ Matter: 003401.P098 Number of pages including cover sheet: 15

In Re Patent Application of: Gaetan L. Mathieu, et al.

Application No.: 09/547,561

Filed: April 12, 2000

Title: SEALED SPRING

### Enclosed are the following documents:

<input type="checkbox"/> Amendment/Response (___ pgs)	<input type="checkbox"/> Declaration & PofA (___ pgs)	<input type="checkbox"/> Reply Brief (___ pgs)
<input type="checkbox"/> Appeal Brief (___ pgs) (in triplicate)	<input type="checkbox"/> Drawings: ___ # of sheets w/ ___ figs.	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Utility Application (___ pgs)	<input type="checkbox"/> Month Petition re Ext. of Time	<input type="checkbox"/> Resp. to Notice of Missing Parts (___ pgs)
<input type="checkbox"/> 1.53(b) Cont. Application (___ pgs)	<input type="checkbox"/> IDS & PTO 1449 (___ pgs)	<input checked="" type="checkbox"/> Transmittal Letter (2 pgs)
<input type="checkbox"/> 1.53(b) Divisional Application (___ pgs)	<input type="checkbox"/> Issue Fee Transmittal (___ pgs)	<input checked="" type="checkbox"/> Fee Transmittal (1 pgs) (in duplicate)
<input type="checkbox"/> 1.53(b) CIP Application (___ pgs)	<input type="checkbox"/> Notice of Appeal (___ pgs)	<input type="checkbox"/> Deposit Account Authorization
<input type="checkbox"/> 1.53(d) CPA Transmittal (___ pgs)	<input type="checkbox"/> Petition re _____ (___ pgs)	<input checked="" type="checkbox"/> Other: Statement Under 37 CF 1.8(b)(3)
<input type="checkbox"/> PCT Application (___ pgs)	<input type="checkbox"/> Power of Attorney (___ pgs)	and copy of Applicants' Response to Final Office Action mailed 12/3/01 (10 pp.)
<input type="checkbox"/> Provisional Application (___ pgs)	<input type="checkbox"/> Declaration by Inventor(s) (___ pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Assignment & Cover Sheet (___ pgs)	<input type="checkbox"/> Supplemental Declaration (___ pgs)	<input type="checkbox"/> Other: _____
<input checked="" type="checkbox"/> Certificate of Transmission by Fax	<input type="checkbox"/> Preliminary Amendment (___ pgs)	<input type="checkbox"/> Other: _____

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(Signature of person transmitting paper)

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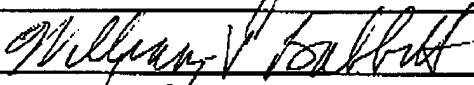
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/547,561
		Filing Date	April 12, 2000
		First Named Inventor	Gaetan L. Mathieu
		Group Art Unit	2833
		Examiner Name	Gilman, A.
Total Number of Pages in This Submission	14	Attorney Docket Number	3401P098

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">         Statement Under 37 CFR 1.8(b) with 12/13/01 ROA attached (10 pages)          Certificate of Transmission (37 CFR 1.8A)       </div>
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William Thomas Babbitt, Reg. No. 39,591 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
Signature	
Date	1/25/02

TECHNOLOGY CENTER 2800

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Date: Jan. 25, 2002

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01-25-02  
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# FEE TRANSMITTAL for FY 2002

Potential fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete If Known

Application Number	09/547,561
Filing Date	04/12/00
First Named Inventor	Gaetan L. Mathieu, et al.
Examiner Name	Gilman, A.
Group Art Unit	2833
Attorney Docket Number	3401P098

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit  
Account  
Number  
Deposit  
Account  
Name

02-2666

Blakely, Sokoloff, Taylor & Zafman

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application.

☐ Charge fee(s) indicated below, except for the filing fee, to the above-identified deposit account

## FEE CALCULATION

### 1. FILING FEE

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. CLAIMS

Total Claims	Extra	Fee from below	Fee Paid
Independent Claims	82	X	
Multiple Dependent Claims	4	X	

Multiple Dependent Claims

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple Dependent claim	
109	84	209	42	Reissue independent claims over original patent	
110	18	210	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\* If number previously paid, if greater, For Reissue, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEE

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920	112	920	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	400	216	200	Extension for response within second month	
117	920	217	460	Extension for response within third month	
118	1,440	218	720	Extension for response within fourth month	
128	1,960	228	980	Extension for response within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidably	
141	1,280	241	640	Petition to revive - unintentionally	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (3) (\$)

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Typed or Printed Name William Thomas Babbitt, Reg. No. 39,591

Signature *William T. Babbitt* Date 1/25/02

## Complete (if applicable)

Reg. Number  
Deposit Account User ID 02-2666

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Attorney's Docket No. 003401.P098

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gaetan L. Mathieu, et al.  
Serial No. 09/547,561  
Filed: April 12, 2000  
For: SHAPED SPRING

Examiner: Gilman, A.  
Art Unit 2833

# 7  
1-31-02  
JWmo  
This letter # 7

STATEMENT UNDER 37 C.F.R. 1.8(b)(3)

Assistant Commissioner for Patents  
Washington, D.C. 20231  
(via Technology Center 2800 After Final Facsimile No:(703) 872-9319)

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JAN 25 2002

Dear Sir:

TECHNOLOGY CENTER 2800

In accordance with 37 C.F.R. 1.8(b)(3), and the Official Gazette Notice of December 20, 2001 regarding the processing of duplicate papers, I, William Thomas Babbitt, the attorney of record in respect of the above-identified case, attest that the attached document is a copy of the Amendment and Response to Final Office Action that was, as indicated on the certificate of mailing, filed with the U.S.P.T.O. on December 13, 2001.

The Amendment and Response was mailed by first class mail, with a return receipt postcard, on December, 13, 2001, but we have not yet received the return receipt postcard. We contacted the Examiner, Mr. Alexander Gilman, on January 11, 2001 to inform him that we had not yet received the postcard. Mr. Gilman indicated that he had not yet received a copy of the Amendment and Response. On January 14, 2001, we sent a courtesy copy of the response to Mr. Gilman. On January 18, we again contacted Mr. Gilman, and he indicated that he had received the courtesy copy and had forwarded it for processing and entry.

The Final Office Action was mailed on October 16, 2001. As such, it is submitted the Amendment and Response was timely filed within two-months after the date of mailing of the Final Office Action. Accordingly, Applicants respectfully request that the Response should be considered timely filed within the two-month period specified under

S/N 09/547,561

1

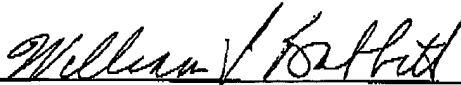
Ref. No. 003401.P098

MPEP 706.07(f) and to the extent necessary. Applicants respectfully request that the Patent Office reset the time period for filing a response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 25, 2002

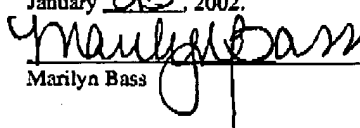


William Thomas Babbitt, Reg. No. 39,591

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Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

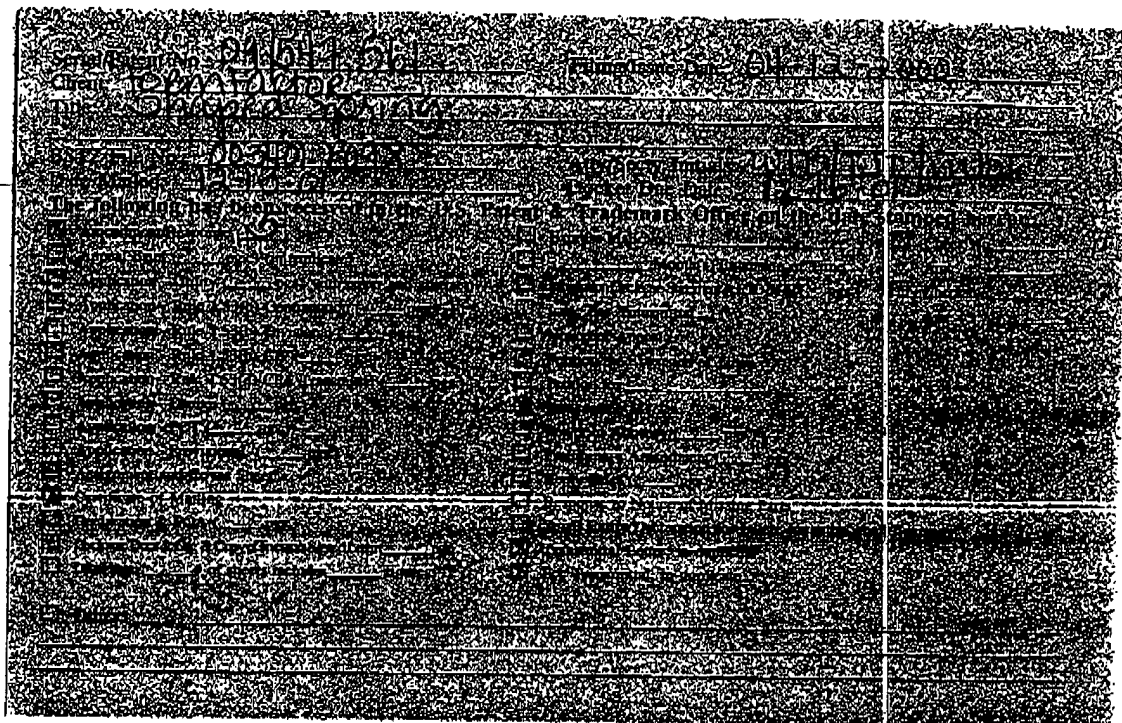
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Marilyn Bass

January 25 2002





PTO/SB/21(08/00)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/547,561
		Filing Date	April 12, 2000
		First Named Inventor	Gaetan L. Mathieu
		Group Art Unit	2833
		Examiner Name	Gilman, A.
Total Number of Pages in This Submission	8	Attorney Docket Number	3401P098

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return Receipt Postcard</div>
Remarks: <span style="float: right;">FAX COPY RECEIVED JAN 25 2002 TECHNOLOGY CENTER 2800</span>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William Thomas Babbitt, Reg. No. 39,591 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
Signature	<i>William T. Babbitt</i>
Date	December 13, 2001

CERTIFICATE OF MAILING (OR TRANSMISSION)			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <span style="border: 1px solid black; padding: 2px;">December 13, 2001</span>			
Typed or printed name	Marilyn Bass		
Signature	<i>Marilyn Bass</i>	Date	12/13/01

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PTC VSB/17 (10-01)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

**Complete If Known**

Application Number	09/547,561
Filing Date	04/12/00
First Named Inventor	Gaetan L. Mathieu, et al.
Examiner Name	Gilman, A.
Group Art Unit	2833
Attorney Docket Number	3401P098

**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

- ☒
- Charge Any Additional Fee Required Under 37CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. CLAIMS**

Total Claims	Extra	Fee from below	Fee Paid
82			
4			

**Multiple Dependent Claims**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple Dependent claim
109	84	209	42	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for ex parte reexamination
112	920	112	920	Requesting publication of SIR prior to Examiner action
113	1,840	113	1,840	Requesting publication of SIR after Examiner action
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128	1,960	228	980	Extension for response within fifth month
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120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidably
141	1,280	241	640	Petition to revive - unintentionally
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR 1.128(a))
149	740	249	370	For each additional invention to be examined (37 CFR 1.128(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify)

SUBTOTAL (3) (\$)

\* Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Typed or Printed Name	William Thomas Babbitt, Reg. No. 39,591		Complete (if applicable)	
Signature	<i>William T. Babbitt</i>	Date	12/13/2001	Reg. Number
				Deposit Account User ID
				02-2666

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Our Ref. No.: 003401.P098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Gaetan L. Mathieu, et al.

Serial No.: 09/547,561

Filed: April 12, 2000

For: SHAPED SPRING

Examiner: Gilman, A.

Art Unit: 2833

**RESPONSE TO FINAL OFFICE ACTION**

Box After Final  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

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In response to the Final Office Action mailed on October 16, 2001, Applicants respectfully request consideration of the remarks which follow.

**REMARKS**

Claims 1-82 were examined. Claims 1-82 remain in the Application.

The Patent Office rejects claims 1-6 under 35 U.S.C. §102(e). The Patent Office rejects claims 1-6, 8-11, 14-15, 18-28, 30-32, 35, 38-44, 48-51, 55-59, 61-63, 66, and 69-79 under 35 U.S.C. §102(b). The Patent Office rejects claims 7, 12-13, 16-17, 29, 33-34, 36-37, 45, 47, 52-54, 60, 64-65, 67-68 and 80-82 under 35 U.S.C. §103(a). Reconsideration of the claim rejections is respectfully requested in view of the following remarks.

A. **35 U.S.C. §102(e): Rejection of Claims 1-6**

The Patent Office rejects claims 1-6 under 35 U.S.C. §102(e) as anticipated by U.S. Patent 6,150,186 issued to Chen et al. (Chen). As in their previous response, Applicants again submit that claim 1 is not anticipated by Chen, because Chen does not describe an interconnection element including a first element material and a second element material, in which one of the materials comprises a material having a transformable property such that, upon transformation, a shape of the interconnection element is modified. More specifically, according to one embodiment in Chen,